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Sixty-third year

Identical letters dated 27 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the statement of the Ministry of Foreign Affairs of Georgia regarding the downing of a Georgian unmanned aerial vehicle by the Russian military aircraft over the territory of Abkhazia, Georgia, on 20 April 2008 (see annex).

I should be grateful if the present letter and its annex were to be circulated as a document of the General Assembly, under agenda item 16, and of the Security Council.

(*Signed*) Irakli **Alasania**
Permanent Representative

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Annex to the identical letters dated 27 May 2008 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

27 May 2008

The international community is aware that the United Nations Observer Mission in Georgia (UNOMIG) established a fact-finding team to investigate the shooting down of an unarmed UAV of the Ministry of Internal Affairs of Georgia that took place on 20 April 2008. On 26 May 2008, UNOMIG released a final report based on the work carried out by the fact-finding team.

The UNOMIG fact-finding team concludes that the video footage and radar data provided by the Georgian side are authentic. The report also indicates that owing to the distinctive configuration of the jet aircraft seen on the video it was either a MIG-29 Fulcrum or a SU-27 Flanker.

Based on the authentication of the radar record, the fact-finding team could confirm that the jet aircraft, after the downing of the UAV of the Ministry of Internal Affairs of Georgia, left Georgian airspace and headed north towards Maykop/Krasnodar into Russian airspace. The fact-finding team concludes that the aircraft belonged to the Russian Air Force. The report indicates that the jet aircraft, supposedly, could have taken off from the airfield of the Gudauta military base.

The report indicates that the 1994 Moscow Agreement provides for the CIS peacekeeping force and no one else to perform the separation of forces and, therefore, enforcement action by third parties — in this case the Russian Federation — in the zone of conflict is fundamentally inconsistent with the Moscow Agreement and, aside from possible considerations under international law, undercuts the ceasefire and separation of forces regime.

By carrying out the aforementioned action on the territory of Georgia, the Russian Federation violated paragraph 4 of Article 2 of the Charter of the United Nations, which prohibits the use of force against the territorial integrity of any state. At the same time, this action represents an act of aggression according to paragraph (b) of article 3 of the annex to the 1974 General Assembly resolution on the definition of aggression (resolution 3314 (XXIX)).

The downing of the Georgian UAV on 20 April 2008 is a continuation of the Russian Federation's policy aimed at annexing the inalienable parts of Georgia — Abkhazia and the Tskhinvali region.

UNOMIG's indication of the possibility of a military aircraft's presence on the airfield of the Gudauta military base makes it obvious that it is necessary to conduct an international inspection of this base to verify compliance with the 1999 Istanbul commitments by the Russian Federation.

On the basis of the above-mentioned, the Ministry of Foreign Affairs of Georgia categorically demands that the Russian Federation make an official apology for the act of aggression directed against Georgia, ensure appropriate compensation for the material loss and an international inspection of the Gudauta military base.

At the same time, the Georgian side continues to strongly insist on withdrawal of additional military contingents, armoured vehicles and equipment from the territory of Georgia, which were deployed in Georgia's conflict region of Abkhazia as of 30 April 2008 without the consent of the Government of Georgia, reversal of the 6 March 2008 decision on withdrawal from the regime of restrictions under 19 January 1996 decision of the CIS Council of Heads of State on "Measures for settlement of the conflict in Abkhazia, Georgia", and reversal of the Russian President's instructions of 16 April 2008 to the Government of the Russian Federation.